



Office of the Attorney General
State of Texas

October 21, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Elizabeth C. Lara
Texas Department of Insurance
Legal and Compliance, MC 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR96-1891

Dear Ms. Lara:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101496.

The Texas Department of Insurance (the "department") received a request for nine categories of information relating to the United Republic Insurance Company ("URIC"). You state that some of the requested information has been provided to the requestor. You claim that the remaining information is excepted from disclosure by section 552.107, 552.111, and 552.112 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

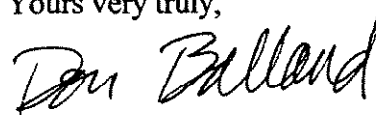
Section 552.112(a) of the Government Code excepts from disclosure "information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both." An insurance company regulated by the department is considered a "financial institution" for purposes of section 552.112. Open Records Decision Nos. 637 (1996) at 4, 158 (1977) at 5-6. After reviewing the submitted materials, we conclude that the documents concerning URIC's financial condition are excepted from disclosure pursuant to section 552.112. We therefore do not address your other arguments against disclosure for these documents.

You next contend that a highlighted portion of a memorandum from Jimmy G. Atkins, Staff Attorney, is excepted from disclosure by sections 552.107 and 552.111. Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information." Thus, section 552.107 protects information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from

attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We find that the highlighted information which you have marked on the memorandum reveals an attorney's legal advice or opinions. The department may withhold this information. Because we make a determination under section 552.107, we do not address your argument under section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101496

Enclosures: Submitted documents

cc: Mr. Barry Senterfitt
Akin, Gump, Strauss, Hauer & Feld
1900 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701
(w/o enclosures)